

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,      )  
                                      )  
Plaintiff,                        )  
                                      )  
vs.                                )      Case No. 4:07CR136 RWS  
                                      )  
CARLOS RUTHERFORD,             )  
                                      )  
Defendant.                        )

**ORDER**

This matter is before the Court on defendant Carlos Rutherford's motion to dismiss for violation of earlier plea agreement [#13].

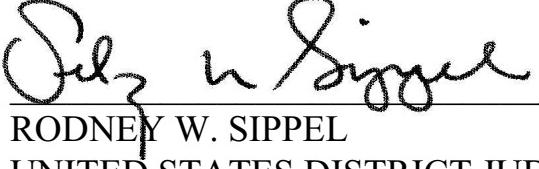
Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge Mary Ann L. Medler. The government filed a response in opposition to the motion of the defendant. Judge Medler held an evidentiary hearing on June 5, 2007. Thereafter Judge Medler filed her Report and Recommendation regarding the defendant's motion. No objection to the Magistrate Judge's recommendation was filed.

After fully considering the motion and the Report and Recommendation, the Court will adopt and sustain the thorough reasoning of Judge Medler set forth in support of her recommended rulings.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [#19] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

**IT IS FURTHER ORDERED** that defendant Carlos Rutherford's motion to dismiss for violation of earlier plea agreement [#13] is denied.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of August, 2007.